



In the UNITED STATES PATENT and TRADEMARK OFFICE

APPLICANT: Baxter et al.

SERIAL NO.: 10/810,762

FILING DATE: March 26, 2004

TITLE: HMB COMPOSITIONS AND USES

THEREOF

EXAMINER: Not ART UNIT: 16

Not yet assigned 1614

DOCKET NO.: 7357US01

I certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

on the date shown below.

Wendy Detviler Date

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their duty of disclosure under 37 C.F.R. §1.56, and as authorized and encouraged under 37 C.F.R. §§ 1.97-1.98 and the provisions of MPEP §§ 609 and 707.05(b), Applicants submit herewith certain patent documents, publications and/or other information ("references") which the Patent and Trademark Office may wish to consider in examining the above-identified patent application. The identification of any reference herein is not intended to be and should not be understood as being an admission that such reference necessarily constitutes "prior art" within the meaning of applicable law.

The cited references are listed on attached form PTO-1449.

- A copy of each cited reference is provided;
- Copies of cited references are not provided because each has previously been made of record in the parent application, or is otherwise known to be in the Examiner's possession.

The Examiner is requested to review and evaluate each cited reference to make an independent assessment of the materiality of each, if any, to the examination of the above-identified application. The Examiner is requested to ignore any underscoring or highlighting which may have been done because such markings may or may not have any relationship to the subject matter of the present invention. The copies being submitted with this Statement are the best copies available at this time. Applicants respectfully request that (1) the references cited herein be made of record; (2) that the Examiner acknowledge his consideration of each reference by initialing and returning the enclosed copy of the PTO-1449 form; and (3) that such references appear on the printed patent as having been considered on the record.

Egh

With regard to payment of a fee:

X	No fee is due because:
\$	This Statement is mailed within three months of the filing date of this application, or before the mailing date of a first office action on the merits (see 37 C.F.R. §1.97(b)).
	Applicants certify that each reference cited in this Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. (see 37 C.F.R. §1.97(e)).
	This Statement is filed after the mailing date of a first Office Action on the merits but before the mailing date of either a final action or a Notice of Allowance (see 37 C.F.R. §1.97(c)) so a fee of \$180.00 is specified by 37 C.F.R. §1.17(p).

If any fees are owed, or any credit is due pertaining to this case, please charge that fee or apply that credit to Deposit Account No. 01-0025. A duplicate sheet of this page is enclosed.

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Docket: 7357US01

Respectfully submitted,

by William J. Winter Reg. No. 36,060



Sheet 1 of 1

FORM PTO-1449	U.S. Department of Commerce	Atty. Docket No.	Serial No.
(Rev. 2032)	Patent and Trademark Office	7357US01	10/810,762
	INFORMATION DISCLOSURE	Applicant	
	STATEMENT BY APPLICANT	Baxter, et al.	
	(Use several sheets if necessary)	Filing Date	Group
	•	March 26, 2004	1614

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date (if appro.)

FOREIGN PATENT DOCUMENTS

Document Number	Date	Name	Class	Subclass	Translation (Yes No)
WO 98/04253	2/5/98	Beale			
WO 94/14429	12/9/93	Nissen			
WO 99/66917	12/29/99	Nissen			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

OTHER	May, Patricia Eubanks et al: "Reversal of cancer-related wasting using oral supplementation with a combination of beta-hydroxy-beta-methylbutyrate, arginine and glutamine." American Journal of Surgery, April 2002, Vol. 183, No. 4, (2002-2004), pages 471-479, XP008063769
	Clark, R H et al: "Nutritional treatment for acquired immunodeficiency virus-associated wasting using beta-hydroxy beta-methylbutyrate, glutamine, and arginine: a radomized, double-blind, placebo-controlled study." JPEN. Journal of Parenteral and Enternal Nutrition. 2000 May-June, Vol. 24, No. 3, May 2000 (2000-05), pages 133-139, XP00900437
	Rathmacher, J.A. et al: "Supplementation with a combination of .betahydroxybetamethylbutyrate (HMB), arginine, and glutamine is safe and could improve hematological parameters" JPEN, Journal of Parenteral and Enternal Nutrition, 28(2), pages 65-75, XP008063815
	Smith, Helen J et al: "Mechanism of the attenuation of proteolysis-inducing factor stimulated protein degradation in muscule by beta-hydroxy-beta-methylbutyrate." Cancer Research, 12/1/04, pages 8731-8735, XP008063768
EXAMI	NER DATE CONSIDERED

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.